

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DIANE DENMARK,

Plaintiff

v.

LIBERTY LIFE ASSURANCE COMPANY OF
BOSTON, THE GENRAD, INC. LONG TERM
DISABILITY PLAN, THROUGH
TERADYNE, INC., AS SUCCESSOR
FIDUCIARY

Defendants

Civil Action No. 04-12261-DPW

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

NOW COMES the plaintiff Diane Denmark pursuant to Rule 56 of Fed. R. Civ. P., moving this Court to enter judgment in her favor, and to deny defendants' cross motion for summary judgment. The plaintiff seeks the relief set out below. In support of this motion, the plaintiff relies on:

1. Memorandum of Plaintiff in Support of Motion for Summary Judgment.
2. Plaintiff's Rule 56.1 Statement in Support of Her Motion for Summary Judgment and in Support of Opposition of Defendants' Motion for Summary Judgment.
3. Liberty Life Assurance Company of Boston claim record filed with this Court by defendants.
4. CD-ROM of surveillance of the plaintiff filed with this Court by defendants.
5. Plaintiff's Motion and Memorandum (filed under seal) to Complete Record on Review with Rule 7.1 Certification filed with this Court on May 20, 2005.

6. Declaration of Jonathan M. Feigenbaum Verifying Exhibits A, B and C to Plaintiff's Motion to Complete the Record on Review (filed under seal) filed with this Court on May 20, 2005. Plaintiff relies on the documents and the interrogatory answer referenced therein.

7. Plaintiff's Motion and Memorandum to Establish Denial of Benefits Claim By Liberty Life Assurance Company of Boston is Subject to the "De Novo" Standard of Review filed with this Court on February 4, 2005.

WHEREFORE, plaintiff prays for judgment and relief of follows:

1. In dollar amount equal to all past due benefits from April 1, 2002 to date of judgment.
2. Pre-judgment interest at the Massachusetts statutory rate of twelve percent simple interest.
3. Post-judgment interest until the date of payment of the sum due.
4. Cost and reasonable attorneys' fees after plaintiff submits a motion and application of her counsel pursuant to 29 U.S.C. §1132 (g).
5. Equitable relief in the form of reinstatement of benefits to the plaintiff to be paid by the defendant under the terms of the disability insurance policy and plan under which defendant is responsible for payment.
6. Denial of any request for remand to the defendant to reconsider its refusal to pay benefits.

7. Denial of defendants' cross motion for summary judgment.

8. All other relief that this Court deems meet and proper.

DIANE DENMARK

Jonathan M. Feigenbaum, Esq.

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Date: May 31, 2005

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THE FOREGOING TO ALL PARTIES OR THEIR
COUNSEL OF RECORD THIS DAY BY MAIL DELIVERY

JONATHAN M. FEIGENBAUM, ESQ.

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